

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GAYLE UPCHURCH,

Plaintiff,

v.

**Civil Action 2:19-cv-3081
Judge George C. Smith
Magistrate Judge Kimberly A. Jolson**

**COMMISSIONER OF
SOCIAL SECURITY,**

Defendant.

REPORT AND RECOMMENDATION

On November 26, 2019, Plaintiff Gayle Upchurch was ordered to file a statement of errors by December 6, 2019. (Doc. 11). The Court advised Plaintiff that her failure to do so would result in dismissal of this action for want of prosecution. (*Id.*).

Plaintiff's deadline to file her statement of errors has now passed, and she has not filed her statement of errors or otherwise appeared in this matter. Accordingly, it is **RECOMMENDED** that this case be **DISMISSED with prejudice** for want of prosecution. *See, e.g., Gravitt v. Tyszkiewicz*, 14 F. App'x 348, 348 (6th Cir. 2001); *Anderson v. Comm'r of Soc. Sec.*, No. 2:13-CV-0867, 2013 WL 6330758, at *1 (S.D. Ohio Dec. 5, 2013).

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed finding or recommendations to which objection is made, together with supporting authority for the objection(s). A District Judge of this Court shall make a *de novo* determination of those portions of the Report or specific proposed findings or recommendations to which

objection is made. Upon proper objection, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: December 12, 2019

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE